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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,968	03/31/2000	Stanley Mo	INTL-0365- (P8584)	2086

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02/28/2002

Timothy N Trop
Trop Pruner & Hu P C
8554 Katy Freeway
Suite 100
Houston, TX 77024

EXAMINER

RUDY, ANDREW J

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 02/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AG

Office Action Summary

Application No.

09/540,968

Applicant(s)

MO et al.

Examiner

Andrew Joseph Rudy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-30 are pending. Applicant's amendment received August 6, 2001 has been reviewed.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the server, a memory coupled to the server, a dedicated inventory allocation, software (indicated as "IMF" in Fig. 5), a processor-based system, and the Internet must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 2 "dedicated inventory allocation" is not clear in juxtaposition to the other portions of the specification.

Claim 7, line 3 "the existing allocation" lacks antecedent basis and is not clear.

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Claim 8, line 3 “the rate” lacks antecedent basis.

Claim 10, lines 2, 3 “dedicated inventory allocation” and “a processor-based system” is not clear in juxtaposition to the other portions of the specification.

Claim 15, line 3 “the inventory allocation” is not clear as what is being referenced.

Claim 19, lines 2, 4 “a server” and “a memory” is not clear in juxtaposition to the other portions of the specification.

Claim 23, line 2, “dedicated inventory allocation” is not clear in juxtaposition to the other portions of the specification.

Claim 25 “said inventory allocation” is not clear as what is being referenced.

Claim 26, lines 2, 3 “a processor-based system” and “dedicated inventory allocation” is not clear in juxtaposition to the other portions of the specification.

Claim 29, lines 2, 3 “a server” and “a storage storing software” is not clear in juxtaposition to the other portions of the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined

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was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-4, 6 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated, by Shipp, US 5,374,813. As understood, the maintenance facility 40 has a dedicated inventory allocation of kits 20 that may service a plurality of hospitals 15.

7. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Salvo et al., US 6,341,271. Salvo discloses analyzing inventory (e.g. shortage of inventory, pricing, determining existing allocation) and replacing the inventory using the Internet for cost savings. As understood, the inventory is dedicated inventory.

Claim Rejections - 35 USC § 103

8. Claims 7-22 and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shipp in view of Garg et al., US 6,144,945.

Garg discloses a computer implemented and back ordering inventory management system via the Internet. Garg's system does not explicitly disclose use of a server.

To provide the Internet connected to the host computer 45 connected through communications terminal 47 to track the dedicated inventory of Shipp would have been obvious in view of Garg. Further to replenish or back order inventory after it goes below a preset level for Shipp would have been obvious in view of Garg.

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Regarding a server, the use of such in combination with the Internet to communicate with web pages is extremely well known. Implicitly, Garg would use a server to deliver the text to a web page. To have provided a server for Shipp, in view of Garg, would have been obvious to one of ordinary skill in the art. Doing so would allow Shipp, in view of Garg, to provide access of the information over the Web.

9. Further relevant references of interest:

Sandoval, US 6,345,259, discloses in col. 9, lines 17-26, dedicated inventory.

Salvo, US 6,341,271, discloses using the Internet and analyzing inventory (e.g. price, shortage).

Pappas, US 6,338,045, discloses using the Internet to manage inventory.

Dean et al., US 6,336,101, discloses using the Internet to track inventory components.

Junger, US 6,269,344, discloses using the Internet to promote efficient handling to reduce costs.

Allen et al., US 6,240,398, discloses using the Web, product classification and restocking it based on priority.

Willemain et al., US 6,240,398, discloses using the Web, managing inventory and using lead time.

Radican, US 6,148,291, discloses a container and inventory monitoring system using the Internet.

Terrill, US 6,052,755, discloses in col. 1, line 27, dedicated inventory.

Radican, US 5,712,789, discloses a container monitoring system.

Eder, US 5,615,109, discloses (e.g. col. 10, lines 40-53) dedicated inventory and

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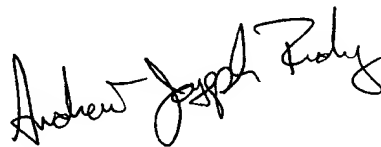
inventory levels.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on 703-308-2183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

February 19, 2002



Richard Chilcot
Supervisory Patent Examiner
Technology Center 2896
PR 7